

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE ) MDL No. 1456  
LITIGATION ) Civil Action No. 01-CV-12257-PBS  
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THIS DOCUMENT RELATES TO: ) Hon. Patti B. Saris  
International Union of Operating Engineers, )  
Local No. 68 Welfare Fund v. AstraZeneca PLC )  
et al. Civil Action No. 04-11503-PBS )  
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**DECLARATION OF LUCY FOWLER IN SUPPORT OF ASTRAZENECA'S  
MEMORANDUM OF LAW IN OPPOSITION TO MOTION BY PLAINTIFF,  
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 68  
WELFARE FUND, FOR IMMEDIATE REMAND BASED UPON  
DECLARATIONS OF DEFENSE COUNSEL OR, IN THE ALTERNATIVE,  
MOTION TO RECONSIDER MEMORANDUM AND ORDER OF  
AUGUST 19, 2005 THAT PERMITTED DISCOVERY ON ISSUE OF  
ALLEGED FRAUDULENT JOINDER**

I, Lucy Fowler, hereby declare that:

1. I am an associate at Foley Hoag LLP, which serves as counsel to defendant AstraZeneca Pharmaceuticals LP in the above-captioned litigation.
2. This declaration is submitted in support of AstraZeneca's Memorandum of Law in Opposition to Motion by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund, for Immediate Remand Based Upon Declarations of Defense Counsel or, in the Alternative, Motion to Reconsider Memorandum and Order of August 19, 2005 That Permitted Discovery on Issue of Alleged Fraudulent Joinder.

3. Attached as Exhibit 1 is a true and correct copy of the Affidavit of Terry K. Sherman, dated September 27, 2005.
4. Attached as Exhibit 2 is a true and correct copy of the July 8, 2003 letter from Donald E. Haviland, Jr. to Michael Mustokoff, Jack Fernandez, Terry Sherman, and John E. Keefe, Jr.
5. Attached as Exhibit 3 is a true and correct copy of the July 9, 2003 letter from Terry K. Sherman to William Holland, Deputy Clerk, United States District Court, District of New Jersey.

By: /s/ Lucy Fowler

DATED: October 12, 2005  
Boston, MA

Lucy Fowler (BBO# 647929)  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02110